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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,093	02/23/2005	Kousuke Tanaka	49677-168	3272
20277 7590 06/21/2007 MCDERMOTT WILL & EMERY LLP 600 13TH STREET, N.W. WASHINGTON, DC 20005-3096			EXAMINER SONG, SARAH U	
			ART UNIT 2874	PAPER NUMBER
			MAIL DATE 06/21/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/525,093

Applicant(s)

TANAKA ET AL.

Examiner

Sarah Song

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 0205,0805,0607.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application
- ☐ Other: ____.

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DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The prior art documents submitted by the applicant in the Information Disclosure Statements filed on February 23, 2005, August 12, 2005 and June 6, 2007 have all been considered and made of record (note the attached copy of form PTO-1449).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1, 2 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Hosoya (JP 63-200109 cited by Applicant).**

5. Regarding claims 1, 2 and 4, Hosoya discloses a ribbon-like optical fiber core assembly comprising: a plurality of optical fiber cores 1 arranged planarly, at least one tape layer 2 and 3 for integrating said optical fiber cores into one body, wherein said tape layer has tensile strength higher than adhesive force of said tape layer to said optical fiber cores (see Abstract). Said tape layer includes a film base 2, and an adhesive layer 3. Hosoya also discloses the method of separating a ribbon-like optical fiber core assembly defined in Claim 1 into single cores, comprising the steps of: peeling at least one portion of said tape layer; and applying pulling force

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on said tape layer in a direction of detachment from said optical fiber cores to thereby peel said tape layer up to a predetermined position. See Figure 6.

6. **Claims 5 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Okunishi et al. (JP 09-080279 cited by Applicant).**

7. Regarding claims 5 and 6, Okunishi et al. discloses a film for tape core assembly comprising: a flexible film 2 or 3 capable of integrating a plurality of optical fibers as a tape, and position limiting portions (at positions between adjacent groups of optical fibers) formed so that the positions of said plurality of optical fibers is capable to be limited. The position limiting portions are formed so that the pitch of arrangement of said position limiting portions at one end portion of said film for tape core assembly is different from the pitch of arrangement of said position limiting portions at the other end portion of said film for tape core assembly (in a direction transverse to the direction of propagation of light)

8. **Claims 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Shahid (U.S. Patent 6,295,400).**

9. Regarding claims 7-9, Shahid discloses a ribbon-like optical fiber core assembly comprising: a plurality of optical fiber cores 36 arranged planarly, at least one film base 46, and an adhesive layer 48, wherein said plurality of optical fiber cores are disposed so that gaps are formed between adjacent ones of said optical fiber cores respectively; said adhesive layer is interposed in said gaps so that said gaps are filled with said adhesive layer; and said film base is provided so that said plurality of optical fiber cores and said adhesive are covered with said film base. Shahid also discloses the method of producing a ribbon-like optical fiber core assembly, comprising the steps of: arranging a plurality of optical fiber cores planarly at designated

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intervals; and covering said arranged optical fiber cores with at least one film base after bonding said arranged optical fiber cores to one another by an adhesive layer so that said adhesive layer is interposed between said arranged optical fiber cores (column 6, lines 64+). Shahid further discloses a multi-core connector 24, 38 connected with said ribbon-like optical fiber core assembly.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. **Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hosoya as applied to claim 1 above, and further in view of Sayegh et al. (U.S. Patent 5,253,318 cited by Applicant).**

12. Hosoya does not expressly disclose the ribbon-like optical fiber core assembly wherein said tape layer has a high flame retardancy.

13. Sayegh et al. discloses an optical fiber ribbon cable wherein the tape layer (jacket) has a high flame retardancy.

14. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the tape layer of Hosoya having a high flame retardancy for improved damage resistance from environmental factors.

15. **Claims 10 and 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Shahid.**

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16. Regarding claims 10 and 11, Shahid does not expressly disclose the ribbon-like optical fiber core assembly connected with a fiber array. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a fiber array for further transmission to remote devices in a communications network. Resultantly, the ribbon-like optical fiber core assembly would be optically wired to the fiber array.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent 5,276,759 to Nguyen et al. is pertinent to Applicant's disclosure.

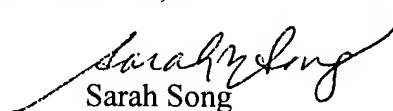
18. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah Song whose telephone number is 571-272-2359. The examiner can normally be reached on M-Th 7:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on 571-272-2344. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Sarah Song
Primary Examiner
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